

BEFORE THE OFFICE OF THE KANSAS ATTORNEY GENERAL
120 SW 10th Avenue, 2nd Floor
Topeka, Kansas 66612-1597
Shawnee County, Kansas

In the Matter of the)
Board of Education of)
Unified School District No. 286,)
Chautauqua County.)

Case No. 2024-OG-0001

CONSENT ORDER

NOW on this 9th day of September, 2024 this matter comes before the Attorney General for the purposes of resolving the above-captioned matter pursuant to the provisions of K.S.A. 75-4320(d)(a)(1), which grants the Attorney General authority to enter into consent orders.

In lieu of further legal proceedings concerning violation of the Kansas Open Meetings Act (KOMA), K.S.A. 75-4317 *et seq.*, the undersigned hereby knowingly and voluntarily agree as follows:

1. On or about October 27, 2022, and April 18, 2023, the Attorney General's Office received a complaint and a letter alleging that the Chautauqua County Unified School District (USD) No. 286 ("the Board"), specifically board members Jamie Morris, Denise Signer, P.J. Buck, Michael Clark, Jonathon Cude, Rodney Dickens, and Amber Prince, (collectively "Respondents") violated the KOMA. Following this complaint, the Attorney General's Office conducted an investigation into allegations that the Board improperly discussed matters in executive session in violation of K.S.A. 75-4319(a) and (b), which require that a public body follow a certain procedure to recess into executive session and limit its discussions during executive session to specific statutory topics.

2. The Board is a public body that is subject to the requirements of the KOMA and must comply with the KOMA.

3. Investigation and/or statements provided by or on behalf of the Board confirm the following violations of the KOMA by a preponderance of the evidence:

a. On or about February 13, 2023, the Board recessed into executive session using as justification "to discuss non-elected personnel"; a statement describing the subject to be discussed was not given; and, the motion failed to include the place where the open meeting would resume.

b. On or about February 13, 2023, the Board recessed into executive session on two (2) occasions following its original motion as described in paragraph a., above. On these two (2) occasions, the Board verbally moved to "extend" the executive session, rather than make a complete motion as required by K.S.A. 75-4319(a). Notwithstanding, the motions as recorded in the meeting minutes were supplemented to include additional information consistent with the Board's original motion.

- c. On or about March 7, 2023, the Board recessed into executive session on three (3) occasions using as justification “to discuss non-elected personnel”; a statement describing the subject to be discussed was not given; and, the motion failed to include the place where the open meeting would resume.
- d. On or about March 7, 2023, the Board recessed into executive session on seven (7) occasions following its original motions as described in paragraph c., above. On these seven (7) occasions, the Board verbally moved to “extend” the executive session, rather than make a complete motion as required by K.S.A. 75-4319(a). Notwithstanding, the motions as recorded in the meeting minutes were supplemented to include additional information consistent with the Board’s original motions.

4. Based upon the above information, Respondents individually admit and agree that they violated KOMA as set out in paragraphs 3.a., 3.b., 3.c., and 3.d., above concerning the February 13, 2023 and March 7, 2023 executive sessions.

5. Respondents now fully understand and agree that for each executive session held, they fully intend to comply with the requirements of K.S.A. 75-4319(a) and (b) concerning executive sessions.

6. The Attorney General and Respondents mutually desire to enter into this Consent Order in lieu of further adjudicative proceedings.

7. Respondents understand and waive all rights to further adjudication of facts and law that could be determined pursuant to other enforcement proceedings conducted in accordance with K.S.A. 75-4320a(a), 75-4320d(a)(2), or 75-4320f concerning this matter.

8. Respondents waive any claim or assertion that the Kansas Judicial Review Act (KJRA), K.S.A. 77-601 et seq., applies to agency actions that are governed by the provisions of K.S.A. 75-4317 et seq., and amendments thereto, relating to open meetings (KOMA), and subject to an action for civil penalties or enforcement, and thus they do not have a right to appeal under the KJRA.

9. The Attorney General accepts the waivers and stipulations by Respondents.

WHEREAS, the Attorney General finds that the above facts have been established by a preponderance of the evidence; that it is proper that Respondents are subject to this Order based on the provisions of K.S.A. 75-4320d(a)(1), which permits the Attorney General to impose conditions or requirements on a public body for violation of the KOMA in a Consent Order;

AND WHEREAS the Attorney General and Respondents mutually desire to enter into a Consent Order in lieu of further adjudicative proceedings to resolve the violation.

NOW THEREFORE, Jamie Morris, Denise Signer, P.J. Buck, Michael Clark, Jonathon Cude, Rodney Dickens, and Amber Prince consent to the following terms and conditions, and the Attorney General orders that:

10. The Board agrees and shall:

- a. For the executive session violations on February 13, 2022, and March 7, 2022, Jamie Morris, Denise Signer, P.J. Buck, Michael Clark, Jonathon Cude, Rodney Dickens, and Amber Prince agree to and shall individually pay a civil penalty of \$100 each. Such payment shall be made payable by certified check, personal check or money order to the Office of the Attorney General pursuant to K.S.A. 75-760 within 30 days of the effective date of this Consent Order;
- b. Ensure that each board member individually obtains at least one (1.0) hour of training on the provision of the KOMA to be presented by an attorney experienced in dealing with open meetings issues, within twelve (12) months of the effective date of this Consent Order, but no sooner than nine (9) months following the effective date of this Consent Order;
- c. Provide the Attorney General's Office with a written statement confirming that each board member has obtained the required KOMA training within ten (10) days of receiving the training; and
- d. Not engage in any future violations of the KOMA.

11. Respondents understand and agree that if they engage in any future violation of the KOMA, the facts and statements contained herein may be considered in determining the appropriate enforcement action and remedy.

12. Respondents agree and understand that this Consent Order does not resolve unlawful conduct that may occur in the future and/or currently unknown unlawful conduct that may come to the Attorney General's attention or to the attention of any other law enforcement official or prosecutor in the future. Any such alleged violations of the KOMA may be subject to investigation proceedings as provided by K.S.A. 75-4320b and/or enforcement proceedings conducted in accordance with K.S.A. 75-4320a(a), 75-4320d(a)(2), or 75-4320f.

13. In consideration of these admissions and agreements by Respondents, and the above-agreed remedies, the Attorney General agrees to forgo further prosecution for the violations of the KOMA set forth herein.

14. Respondents agree that this Consent Order conforms to Kansas and federal law and that the Attorney General has the authority to enter into this Consent Order.

15. Except as provided in paragraphs 11 and 12, this Consent Order shall operate as a complete release of all claims Jamie Morris, Denise Signer, P.J. Buck, Michael Clark, Jonathon Cude, Rodney Dickens, and Amber Prince may have against the Attorney General, his agents or employees, arising out of the investigation of this matter. Respondents agree not to file, or cause to be filed, any litigation or claims in any federal or state court of law or federal or state administrative agency against the Attorney General, the Office of the Attorney General, its agents or employees, individually or in their official capacity. Such litigation or claims include, but are not limited to, any K.S.A. Chapter 60 or Chapter 61 civil action regarding negligence and/or a 42 United States Code action and/or any administrative petition for redress. Respondents agree that all actions in this matter were a bona fide use of discretion and authority granted to the Attorney General, the Office of the Attorney General,

its agents and employees, which is a statutory exception to liability within the Kansas Tort Claims Act, K.S.A. 75-6104(b), (c) or (e).

16. Respondents understand that this Consent Order shall be maintained and made available for public inspection pursuant to the provisions of K.S.A. 75-4320d(e) and amendments thereto.

17. This Consent Order shall be a public record in the custody of the Office of the Attorney General.


18. This Consent Order constitutes the entire agreement of the parties and may only be modified by a subsequent writing signed by the parties. This Consent Order shall be interpreted in accordance with the laws of the State of Kansas.

19. This Consent Order shall become effective on the date indicated in the Certificate of Service.

WHEREFORE, the Attorney General and Jamie Morris, Denise Signer, P.J. Buck, Michael Clark, Jonathon Cude, Rodney Dickens, and Amber Prince consent to these provisions.

IT IS SO ORDERED.

OFFICE OF THE ATTORNEY GENERAL

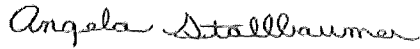

Kris W. Kobach
Kansas Attorney General

Prepared By:



Amber Smith, #23911
First Assistant Attorney General
Open Government Enforcement Unit
Office of the Kansas Attorney General
120 SW 10th Avenue, Second Floor
Topeka, KS 66612-1597
Phone: (785) 296-2215

Approved By:



Angela Stallbaumer, # 23233
Deputy Director/General Counsel
Kansas Association of School Boards
1420 SW Arrowhead Road
Topeka, KS 66604
Phone: (785) 273-3600

USD No. 286 Board of Education (Chautauqua County)

Jaime Morris
Jaime Morris, President

9/9/2024
Date

Denise Signer
Denise Signer, Vice President

9/9/2024
Date

P.J. Buck
P.J. Buck

9/9/2024
Date

Michael P Clark
Michael Clark

9/9/24
Date

Jonathon Cude
Jonathon Cude

9/9/2024
Date

Rodney Dickens
Rodney Dickens

9/9/2024
Date

Amber Prince
Amber Prince

9/10/24
Date

ATTEST:

Kati Dean
[name]

9-10-24
Date